



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Goran Marnfeldt et al.
Serial No. : 09/297,899
Filed : May 10, 1999
Title : INHALATION DEVICE

Art Unit : 3761
Examiner : Joseph F. Weiss, Jr.

Commissioner for Patents
Washington, D.C. 20231

#14

REPLY BRIEF

CO-8

In the Examiner's Answer, in the "Response to Argument" section at pp.8-9, the examiner attempts to read applicants' teaching into the disclosure of Ambrosia. The entirety of Ambrosia's discussion regarding electronic counters was quoted in the Brief on Appeal at page 4 and is quoted here in full:

Many types of mechanical and electrical counters are useful. A digital electronic counter can be disposed within the base or other areas of the device and will require electrically conductive contacts which complete a circuit at some point in the dose loading operation; the characteristic of the required battery will be a factor in establishing a shelf life for the device. (Col. 25, lines 23-29).

In the Examiner's Answer it is concluded:

Inferential from this [the statement "will require electrically conductive contacts which complete a circuit at some point in the dose loading operation" in the quoted passage] is that placement on the camming elements of the device would be appreciated by one of ordinary skill in the art, because not placing on the camming/operation elements would be pointless since it would not track dosing of [sic "or"] facilitate the making or breaking of contact, i.e., actuation/camming of the device. (Examiner's Answer, p. 9)

Ambrosia provides no guidance at all as to how the contacts should be implemented, and there is no teaching or suggestion in Ambrosia regarding use of camming surfaces, as in

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applicant's claimed invention. The Examiner's extension of Ambrosia's scant disclosure about contacts to arrive at applicant's claimed invention amounts to hindsight reconstruction.

It is respectfully submitted that the final rejection should be reversed.

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Respectfully submitted,

Date: Sept 26, 2002

William E. Booth
William E. Booth
Reg. No. 28,933

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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